

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CIVIL ACTION NO. 1:15-cv-395 (WOB-MRM)

RICHARD SLUSS

PETITIONER

VS.

JUDGMENT

WARDEN, CHILLICOTHE
CORRECTIONAL FACILITY

RESPONDENT

This matter is before the Court on the Report and Recommendation of the United States Magistrate Judge (Doc. #11), and having considered *de novo* those objections filed thereto by Petitioner (Doc. #12), and the Court being sufficiently advised,

IT IS ORDERED that the Report and Recommendation (Doc. #11) be, and it hereby is, **adopted** as the findings of fact and conclusions of law of this Court; that petitioner's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. #1), is **DISMISSED** with prejudice. A certificate of appealability shall not issue: 1) With respect to the ineffective assistance-of-appellate-counsel claim alleged in Ground Three of the petition, which this Court concludes is procedurally barred from review; 2) With the respect to the remaining grounds for relief alleged in the petition, petitioner has not stated in those grounds a "viable claim of the denial of a constitutional right", nor are the issues presented "adequately to deserve encouragement to proceed further." 3) Pursuant to 28 U.S.C. § 1915(a)(3), any application by petitioner to proceed on appeal *in forma pauperis* of this judgment would be not be taken in

"good faith," and therefore, would be **DENIED** upon a showing of financial necessity.

This 22nd day of November, 2016.



Signed By:

William O. Bertelsman *WOB*

United States District Judge